

Humanities Out There Lesson 5: Mock Trial

Our previous lessons attempted to construct an analytical and historical framework that makes it possible for Ms. Wood's students to have meaningful discussions about *The Scarlet Letter*, even though the text is very difficult for them and their level of direct exposure to it is less than ideal. The purpose of this week's lesson is to review concepts from our first four weeks and bring into consideration the main issue that *The Scarlet Letter* poses for 1649, 1850, and 2006, which is justice and how it can be instituted in a world where people are flawed and absolute certainty is difficult to come by.

This lesson emphasizes performance, speaking, and listening skills whereas earlier lessons emphasized visual analysis, textual analysis, and small group discussions. After completing this lesson, students will be able to formulate and evaluate arguments within the context of a performance role, anticipate counter-arguments within the context of a performance role, perform a short statement in character, listen and record important details of a performance, and evaluate the strength of arguments presented in a performance.

Reconstituting the full class for a shared activity will also provide narrative closure for this quarter of H.O.T. Which, wouldn't you know, is rapidly drawing to a close.

Pedagogical Issues to Discuss:

1) Marking papers.

The biggest problem I found in their writing was that they did not explain anything to the reader. They would make statements that didn't connect with anything else, or leap over details that were important in the story, leaving the reader(me) confused about what was going on.

I was a little shocked when I read my kids' papers. In our discussions they've always had good ideas and interesting points to make so i've always labeled them as bright. But when I read their writing I was disturbed at how many basic, elementary mistakes they made.

All i kept thinking was "who the hell am i to correct papers?"

2) What you have and have not accomplished with your students this quarter.

3) Why is *The Scarlet Letter* part of the high school curriculum? Should it remain so? If not, why not and what would be better? If so, why and how?

4) Freestyle...

Things you should do to prepare for Wednesday

1) Read this packet thoroughly and make sure you are familiar with everything in it.

2) Finish marking the allegory papers, and return them to me on Wednesday if you haven't already. Ms. Wood decided that the comparative analysis assignment would take longer than we initially planned for, so you might not see those until January.

3) Read chapters 21-24 of *The Scarlet Letter*.¹ Don't give away the ending to your students, although you can take them right up to the start of the Election Day sermon in chapter 22 if

¹ Most student editions append "Endicott and the Red Cross," which is a thematically related short story that Hawthorne wrote in 1838. It's interesting to compare, but it won't come up in class.

they're curious to know. Expect them to still be lingering around in chapter 8 or so.

- 4) Please provide the following props if you have them... *white wig, baby doll, gavel.*
- 5) Make a scarlet letter and wear it to the school on Wednesday. Do not answer directly if the students ask what it 'stands for.' You might want to tease them a bit, telling them that like Hester's "A" it is a contextually shifting, multivalent symbol. I suppose they'll force you to give a specific answer eventually, so you might want to focus on a real regret or a social stigma you deal with. Don't introduce anything you feel uncomfortable discussing with your students.

0:00-0:50 Scarlet Letter Exercise

The purpose of this exercise is to re-animate the questions we posed in the first lesson about the interpretation of symbols, as well as to concretize a salient detail of *The Scarlet Letter*.

- 1) I'm not allocating any time for this in the schedule, but most of your students will be wearing a scarlet letter on Wednesday. Obviously this may promote discussion. Keep things within bounds with the inevitable teasing that will take place, and insist that students do not have to reveal the 'meaning' of their letters to their classmates if they don't want to.
- 2) If you want to get some educational mileage out of it, return to Hawthorne's complex use of symbolism in the book: *Is the meaning of a symbol fixed, or variable? If fixed, how can we account for changes of context (puzzle trap)? If variable, how can we properly say that it 'means' anything at all (cheeseburger trap)? Is its meaning determined by the individual, by the community, or by some higher power or law? What if these determinations disagree?* These are powerful questions, and if you play it right, interesting ones. It isn't that hard to get from Election Day in 1649 or 1848 to Election Day in 2006. Or from contrived pseudo-adultery to gay marriage and stem cell research. If you try to answer the fundamental question of ethics - *what is good and bad?* - it always leads you to Hawthorne's follow-up question about justice - *who has the authority to determine the meaning of symbols, i.e. the content of the law, and by what process?*²

0:00-0:20 Group Exercise: Trial Preparation

This exercise allows students to write some of the content of the 'trial' and prepare for their roles therein.

- 1) The mock trial is actually a docket of three related trials. Aaron will play the judge in the interests of time management. You will not speak during the trial unless one of your students reaches a major impasse, in which case you could improvise on behalf of your legal team. The

² Interestingly enough, it makes little difference whether you ask this question within a theistic or an atheistic framework. The theist answers the first question, *Whatever God has specified* and therefore phrases the second question, *who has the authority to determine what God has specified?* God is, by definition, the ultimate source of authority. Thus God is authority per se, which doesn't help you determine the proper way for human beings to interpret this authority. The atheist answers the first question, *what human beings determine it to be* and therefore phrases the second question, *which human beings have the authority to make this determination and how should they go about it?* But without reference to an ultimate source of authority, i.e. God, this question cannot have any answer that is not itself subject to a repetition of the question. Both the theist and the atheist are stuck interpreting symbols of one kind or another because they lack unmediated access to authoritative truth.

trial is scripted somewhat tightly because I am guessing that it would take several days or more before the students were capable of improvising arguments in character!

2) The first thing you should do in the group is determine roles. You can see from the script below that the roles vary in terms of how much the student will speak. Allow them to follow their preferences, but if they're indecisive just assign the roles because you don't have a great deal of time to dither about.

3) Some of the roles are pre-scripted and some will be written during this exercise. The specific content will vary depending on what your role your group is acting. The roles are as follows on the next page. You might think of them as legal teams unless you have a witness group, in which case they're more like split personalities...

Kim & Erin's Students – **Roger Chillingsworth, Prosecutor for Salem v. Prynne**

Hana & Theresa's Students – **Arthur Dimmesdale, Defense Att. & Surprise Witness for Salem v. Prynne**

Chris & Hong's Students – **Hester Prynne, Witness for Salem v. Prynne**

Bethany & Thomas's Students – **Reverend Cleveland Coxe, Prosecutor for Massachusetts v. Hawthorne**

Kris & Joel's Students – **Ralph Waldo Emerson, Defense Attorney for Massachusetts v. Hawthorne**

Mira & Jason's Students – **Nathaniel Hawthorne, Witness for Massachusetts v. Hawthorne**

Christina & Mike's Students – **Magdalena's Dad, Prosecutor for Magdalena v. Herman**

Clare & Josh's Students – **Herman's Mom, Defense Attorney for Magdalena v. Herman**

Jessica & Guille's Students – **Herman, Witness for Magdalena v. Herman**

Cindyann – **Clerk**

Aaron – **Governors Bellingham, Briggs, & Schwarzenegger**

Hana & Theresa – **Arthur Dimmesdale**

Kris – **John Hathorne, Surprise Witness for Massachusetts v. Hawthorne**

Clare & Josh – **Herman's Mom**

0:20-0:50 Class Exercise: Mock Trial

1) Here are the scripts. Take the time to familiarize yourself with yours in particular. You can see how the students' group work plugs in. During the actual performance, students will inevitably get lost and need prompting.

2) **Clerk (Cindyann):** The court will now hear the case of Salem Township v. Hester Prynne. The honorable Governor Bellingham presiding.

Gov. Bellingham (Aaron): Prosecutor Chillingsworth, please state your case.

Pros. Chillingsworth (Kim-Erin Student #1): [Opening statement]

Gov. Bellingham (Aaron): Defense attorney Dimmesdale, please state your case.

Def. Dimmesdale (Hana-Theresa Student #1): [Opening statement]

Gov. Bellingham (Aaron): Does the prosecution wish to call any witnesses?

Pros. Chillingsworth (Kim-Erin Student #2): The prosecution calls Hester Prynne to the witness stand.

Clerk (Cindyann): Ms. Prynne, do you swear to tell the whole truth to this court, with the knowledge that your statements may or may not affect your status as elect when the world ends next Tuesday?

Hester (Chris-Hong Student #1): I do your honor.

Pros. Chillingsworth (Kim-Erin Student #2): Ms. Prynne, where were you on the night of Nov 15, 1641?

Hester (Chris-Hong Student #2): [Witness Testimony I]

Gov. Bellingham (Aaron): The defense may now question the witness.

Def. Dimmesdale (Hana-Theresa Student #2): Ms. Prynne, please describe your marriage with Mr. Chillingsworth and your reaction to his apparent death.

Hester (Chris Student #3,4): [Witness Testimony II]

Gov. Bellingham (Aaron): If there are no further questions, the prosecution may call another witness.

Pros. Chillingsworth (Kim-Erin Student #3): The prosecution calls Arthur Dimmesdale to the witness stand.

*****Hana-Theresa**, maneuver your **Student #3** to the witness stand and whisper to him/her, “if he asks you a question, don’t answer it.” ****

Pros. Chillingsworth (Kim-Erin Student #3): Mr Dimmesdale, where were you on the night of Nov 15, 1641.

Def. Dimmesdale (Hana-Theresa): Objection, your honor. [Object to something silly and irrelevant, like Prosecutor is wearing baggy jeans. An authentic improv will get a better laugh.]

Gov. Bellingham (Aaron): Sustained. Prosecution please read your closing statement.

Pros. Chillingsworth (Kim-Erin Student #4): [Closing statement]

Gov. Bellingham (Aaron): Defense, please read your closing statement.

Def. Dimmesdale (Hana-Theresa Student #4): [Closing statement]

Gov. Bellingham (Aaron): Case closed. The jury will deliberate and deliver a verdict.

3) **Clerk (Cindyann)**: The court will now hear the case of the State of Massachusetts v. Nathaniel Hawthorne.
The honorable Governor Briggs presiding.

Gov. Briggs (Aaron): Prosecutor Coxe, please state your case.

Pros. Coxe (Bethany-Thomas Student #1): [Opening statement]

Gov. Briggs (Aaron): Defense attorney Emerson, please state your case.

Def. Emerson (Kris-Joel Student #1,2): [Opening statement]

Gov. Briggs (Aaron): Does the prosecution wish to call any witnesses?

Pros. Coxe (Bethany-Thomas Student #2): The prosecution calls Nathaniel Hawthorne to the witness stand.

Clerk (Cindyann): Mr. Hawthorne, do you swear to tell the whole truth to this court, with the knowledge that your statements may be considered boring and difficult to read by future generations?

Hawthorne (Mira-Jason Student #1): I do your honor.

Pros. Coxe (Bethany-Thomas Student #2): Mr. Hawthorne, why did you write *The Scarlet Letter*?

Hawthorne (Mira-Jason Student #2): [Witness Testimony I]

Gov. Briggs (Aaron): The defense may now question the witness.

Def. Emerson (Kris-Joel Student #3): Mr. Hawthorne, please describe your relationship to the Puritans.

Hawthorne (Mira-Jason Student #3,4): [Witness Testimony II]

Gov. Briggs (Aaron): If there are no further questions, the prosecution may call another witness.

Pros. Coxe (Bethany-Thomas Student #3): The prosecution calls John Hathorne to the witness stand. Mr. Hathorne, What is your opinion of your great great great great grandson’s book, titled *The Scarlet Letter*?

John Hathorne (Kris-Joel): What’s that? Speak up young man. I’m 257 years old. I don’t hear so well.

Gov. Briggs (Aaron): This is a waste of time. Prosecution please read your closing statement.

Pros. Coxe (Bethany-Thomas Student #4): [Closing statement]

Gov. Briggs (Aaron): Defense, please read your closing statement.

Def. Emerson (Kris-Joel Student #4): [Closing statement]

Gov. Briggs (Aaron): Case closed. The jury will deliberate and deliver a verdict.

4) **Clerk (Cindyann)**: The court will now hear the case of Magdalena v. Herman. The honorable Governor Schwarzenegger presiding.

Gov. Schwarzenegger (Aaron): Prazecuda Magdalena’s Dad, please stade your case.

Pros. Magdalena’s Dad (Christina-Mike Student #1): [Opening statement]

Gov. Schwarzenegger (Aaron): Defense attuhney Huhman’s Mom, please stade your case.

Def. Herman’s Mom (Clare-Josh Student #1,2): [Opening statement]

Gov. Schwarzenegger (Aaron): Daz da prozecushion wizh do gall any vitnezez?

Pros. Magdalena’s Dad (Christina-Mike Student #2): The prosecution calls Herman to the witness stand.

Clerk (Cindyann): Mr. Herman, do you swear to tell the whole truth to this court, not just ‘sort’ of without getting to ‘Stage Two’?

Herman (Jessica-Guille Student #1): I do your honor.

Pros. Mag’s Dad (Christina-Mike Student #2): Mr. Herman, why did you abandon responsibility for your unborn child?

Herman (Jessica-Guille Student #2): [Witness Testimony I]

Gov. Schwarzenegger (Aaron): Da divenz may now qveztun da vitnez.

Def. Herman's Mom (Clare-Josh Student #3): Mr. Herman my wonderful son, please describe your plans to go to college and become a doctor.

Herman (Jessica-Guille Student #3,4): [Witness Testimony II]

Gov. Schwarzenegger (Aaron): Iv dayr ah no furda qveztuns, da prozecushion may call anatha vitnez.

Pros. Magdalena's Dad (Christina-Mike Student #3): The prosecution calls Cindyann Wood to the witness stand. Ms. Wood, do you feel it is appropriate to allow movies about teenagers having sex to be shown in your classroom?

*****Clare-Josh, loudly interrupt her in mid-answer as per below. *****

Def. Herm's Mom (Clare-Josh): Objection, your honor. Witness is obviously preparing to assign homework.

Gov. Schwarzenegger (Aaron): Zuztained. Prozecushion please read yoah glozing zdademend.

Pros. Magdalena's Dad (Christina-Mike Student #4): [Closing statement]

Gov. Schwarzenegger (Aaron): Divenz, please read yoah glozing zdademend.

Def. Herman's Mom (Clare-Josh Student #4): [Closing statement]

Gov. Schwarzenegger (Aaron): Gaze glozed. Da jury vill dalibarate und delivah deah verdict.
Ve look fahvad du zeeing all av you again in January!

Follow Up Exercises for Ms. Wood's Students

- 1) Finish the trial worksheet by writing a verdict and justification for the two cases that you *didn't* participate in, based on the evidence you heard. Then go back to the case you *did* participate in and fill in the missing blanks. Forget if you were part of the defense or the prosecution at this point. As an unbiased observer, write your verdict and justification.
- 2) Write a brief answer to one or more of the following questions, then discuss them during class. *What was it like wearing a scarlet letter to class? How did you try analyze the symbolism of your classmates' letters? Did you wear it during other hours of the school day, and if so, what did students from other classes say about it? How did it effect your perception of the book and the mock trial?*
- 3) Write a brief answer to the following question, then discuss it during class. *Which form of punishment is more effective, punishment by social humiliation (as in The Scarlet Letter) or punishment by incarceration away from society?*
- 4) Write a brief answer to each of these questions, then discuss them during class. Ms. Wood can summarize your responses and pass them along to me. I will use them to improve our teaching when we begin the next phase of HOT in January!
 - a. *What is one thing you learned from the HOT lessons?*
 - b. *What was your favorite part of the HOT lessons? Why?*
 - c. *What was your least favorite part of the HOT lessons? Why?*
 - d. *Do you think the HOT lessons helped you improve your reading, writing, and thinking skills? Why or why not?*
 - e. *What can be changed about the lessons so that they work better to improve your skills?*
 - f. *How effective was your UCI tutor in helping you work through the lessons?*